

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Review of Wireline Competition Bureau Data)	WC Docket No. 10-132
Practices)	
)	
Computer III Further Remand Proceedings: Bell)	CC Docket Nos. 95-20, 98-10
Operating Company Provision of Enhanced)	
Services; 1998 Biennial Regulatory Review –)	
Review of Computer III and ONA Safeguards and)	
Requirements)	

ORDER

Adopted: August 11, 2011

Released: August 11, 2011

By the Chief, Wireline Competition Bureau:

1. In the CEI/ONA Notice of Proposed Rulemaking pending before the Federal Communications Commission (Commission), the Commission proposed eliminating reporting requirements regarding the narrowband comparably efficient interconnection (CEI) and open network architecture (ONA) obligations that apply to the Bell Operating Companies (BOCs).¹ In this *Order*, the Wireline Competition Bureau grants on its own motion a waiver of these reporting requirements pending resolution of the *Notice*.

2. As described in the *Notice*, BOCs must comply with numerous CEI and ONA obligations, including the filing of quarterly, semi-annual, and annual reports to substantiate nondiscrimination and other compliance.² No commenter to the *CEI/ONA Notice* supports retaining these reporting requirements.³ The BOC commenters assert that the required CEI/ONA reports no longer serve a useful purpose and unnecessarily increase their costs of providing service.⁴

3. To prevent the BOCs from incurring potentially unnecessary expenses, we grant, on our motion, a temporary waiver of the narrowband BOC-specific CEI and ONA reporting requirements until further Commission action on these requirements. Section 1.3 of our rules authorizes the Commission to

¹ See *Review of Wireline Competition Bureau Data Practices, Computer III Further Remand Proceedings: Bell Operating Company Provision of Enhanced Services; 1998 Biennial Regulatory Review – Review of Computer III and ONA Safeguards and Requirements*, Notice of Proposed Rulemaking WC Docket No. 10-132, CC Docket Nos. 95-20, 98-10, 25 FCC Rcd 1579 (2011) (*CEI/ONA Notice* or *Notice*).

² *CEI/ONA Notice* at 1580-81, paras. 3-4.

³ Similarly, as indicated in the *Notice*, no commenter to the *WCB Data Innovation Initiative Public Notice* identified any utility to any service provider for these reports. *CEI/ONA Notice* at 1583, para. 9 (citing *Pleading Cycle Established for Comments on Review of Wireline Competition Bureau Data Practices*, Public Notice, WC Docket No. 10-132, 24 FCC Rcd 8213 (WCB 2010) (*WCB Data Innovation Initiative Public Notice*)).

⁴ E.g., Verizon Comments at 7-10.

suspend, revoke, amend, or waive a Commission rule for good cause shown.⁵ We find good cause to waive this rule, as it will allow the BOCs to avoid, or at least delay incurring the expense of preparing reports that the Commission has proposed to eliminate. Although we do not intend to prejudge the outcome of this rulemaking proceeding, we note that the record suggests that the reports are of limited utility and do not justify the burden and expense of preparing them.⁶ We therefore find that temporarily waiving the reporting requirements pending further Commission action on this matter will preserve BOC and Commission resources, and thus will serve the public interest. This waiver applies to all BOCs subject to these requirements.

4. Accordingly, IT IS ORDERED that, pursuant to Sections 1, 2, 4, 10, 11, 201-205, 251, 271, 272, 274-276, and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151, 152, 154, 160, 161, 201-205, 251, 271, 272, 274-276, and 303(r), and sections 0.291 and 1.3 of the Commission's rules, 47 C.F.R. §§ 0.291, 1.3, that the CEI and ONA reporting requirements ARE WAIVED to the extent herein described.

FEDERAL COMMUNICATIONS COMMISSION

Sharon E. Gillett
Chief
Wireline Competition Bureau

⁵ See 47 C.F.R. § 1.3 ("Any provision of the rules may be waived by the Commission on its own motion or on petition if good cause therefore is shown."). See also *Northeast Cellular Telephone Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990) (citing *WAIT Radio v. FCC*, 418 F.2d 1153, 1159 (D.C. Cir. 1969) (waivers must show special circumstances warranting a deviation from the general rule, and show such a deviation will serve the public interest)).

⁶ See AT&T Comments at 3-6; CenturyLink Comments at 1-5; Verizon Comments at 1-3, 6-10.